



11 JUN 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

#18

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

Burns, Doane, Swecker & Mathis, L.L.P.  
P.O. Box 1404  
Alexandria, Virginia 22313-1404

In re Application of	:	
SZELENYI et al	:	DECISION ON
Application No.: 10/089,449	:	
PCT No.: PCT/EP00/09392	:	PETITION
Int. Filing Date: 26 September 2000	:	
Priority Date: 30 September 1999	:	UNDER 37 CFR 1.182
Attorney's Docket No.: 0332885-010	:	
For: NOVEL COMBINATIONS OF LOTEPREDNOL	:	
AND $\beta_2$ - ADRENOCEPTOR AGONISTS	:	

Applicants' "PETITION UNDER 37 CFR 1.182" filed 06 January 2003, to change the name of the co-inventor from Hildegard Poppe to Hildegard Kuss due to marriage is GRANTED as follows:

#### BACKGROUND

On 04 June 2002, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration and the surcharge for filing an oath or declaration later than 30 months from the priority date was required. The notification set a two-month time limit in which to respond.

On 28 June 2002, applicant filed declarations signed by the inventors. However Hildegard Kuss was identified as one of the inventors, whereas the international application indicated Hildegard Poppe Kuss as an inventor.

On 29 July 2002, the United States Designated/Elected Office mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating the second inventor's last name is different on the declaration than on the published International Application. The notification set a time limit of one month from the date of the mailing of the Notification or within the time remaining in the response set forth in the Notification of Missing Requirements (Form PCT/DO/EO/905), whichever is longer.

On 06 January 2003, applicant filed the present petition accompanied by a petition and fee for a five-month extension of time.

DISCUSSION

The MPEP at § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include the appropriate petition fee and an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or certified copy of the court order.

The required \$130 petition fee has been paid.

The petition was accompanied by a declaration signed by Hildegard Kuss stating that she changed her named from Hildegard Poppe to Hildegard Kuss on the occasion of her marriage.

The papers have been reviewed and the papers are accepted. The declaration filed on 28 June 2002 is accepted.

Applicant's claim for priority is acknowledged. The application has an international filing date of 26 September 2000 under 35 U.S.C. 363 and a date of **28 June 20002** under 35 U.S.C. 371(c).

This application is being forwarded to the National Stage Processing Branch of the International Division for preparation and mailing of the Notification of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 (Form PCT/DO/EO/903).



Leonard E. Smith  
PCT Legal Examiner  
PCT Legal Affairs  
Office of Patent Cooperation Treaty  
Legal Administration

LES:ls

Telephone: (703) 308-6461  
Facsimile: (703) 308-6459